

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 22, 1993

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING June 22, 1993,
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS Seven VIZ:

BRADBURY	<u>P</u>	,	EDMONDS	<u>P</u>	,	GiaQUINTA	<u>P</u>	,
HENRY	<u>A</u>	,	LONG	<u>A</u>	,	LUNSEY	<u>P</u>	,
RAVINE	<u>P</u>	,	SCHMIDT	<u>P</u>	,	TALARICO	<u>P</u>	,

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR June 8, 1993
_____, 1993

SPECIAL June 13, 1993

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 22nd day of June, 19 93, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 28th day of June, 19 93.

Sandra E. Kennedy

City Clerk



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

May 25, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

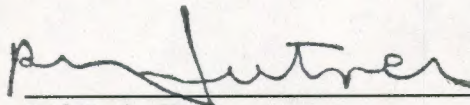
The proposed ordinance is designated as:

Bill No. G-93-05-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of May 1992.


Robert Hutner
Secretary

/pb

CC: File

FACT SHEET

G-93-05-13

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

DETAILS**POSITIONS****RECOMMENDATIONS**

Specific Location and/or Address Plantation Lane in Maplewood Plaza off of Maplecrest Road.
Reason for Project Encroachment and future development.
Discussion (Including relationship to other Council actions) <u>17 May 1993 - Public Hearing</u> Charles Bash, attorney, representing the petitioners appeared before the Commission. Mr. Bash stated that now 95% of the street is within the parking lot of Maplewood Plaza. Mr. Bash stated that 95% of it is paved, but not as a street but as part of the parking lot. He stated that the entire street and everything on both sides of it are all in the same tract that is owned by the petitioners. There was no one else present who wished to speak in favor of or in opposition to the proposed vacation. <u>24 May 1993 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote. Motion carried.

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Lewis & Amanda Delagrangre City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 1 April 1993

Projected Completion or Occupancy

Date 25 May 1993

Fact Sheet Prepared by

Date 25 May 1993

Patricia A Biancaniello

Reviewed by

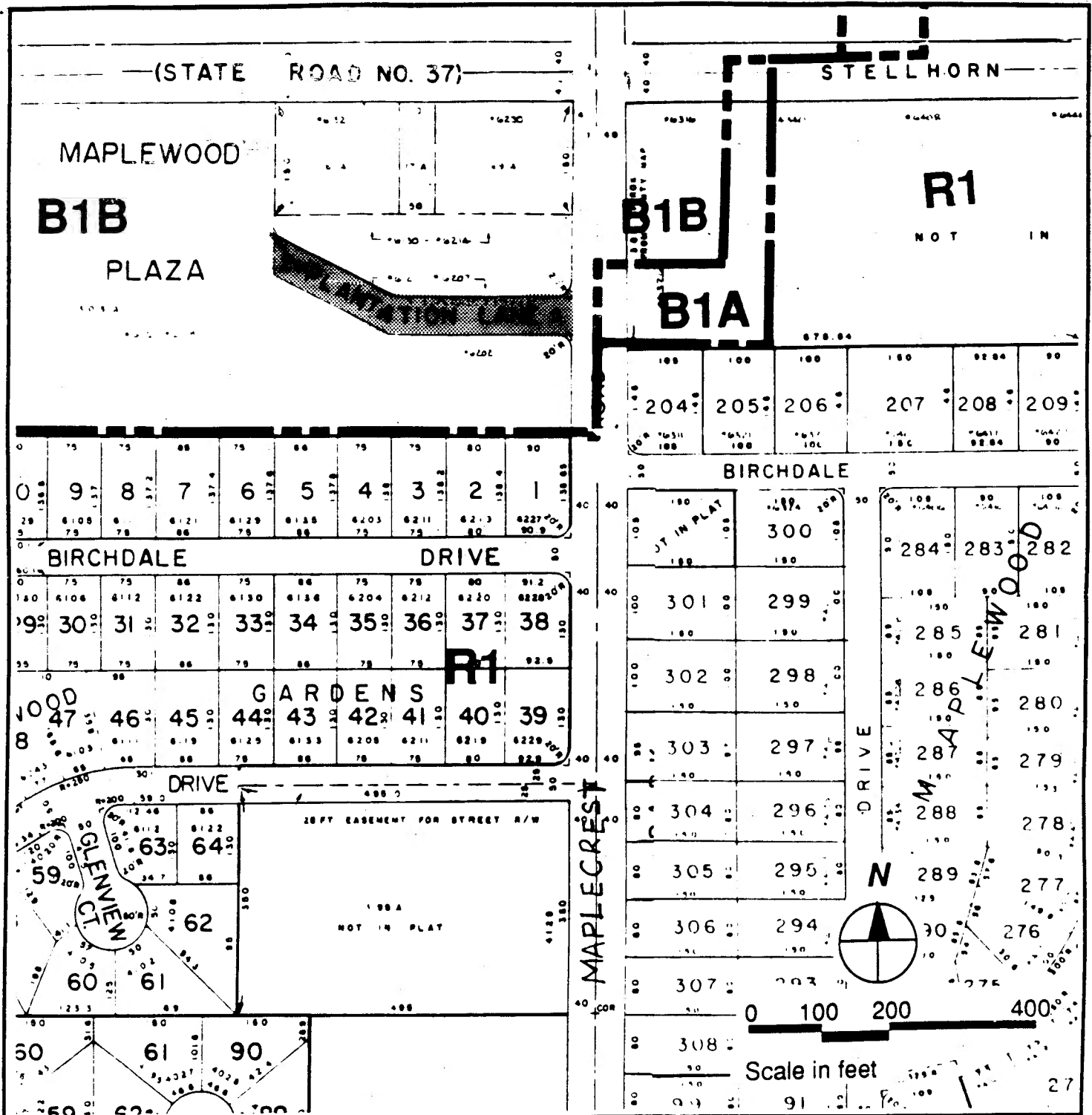
Date

1 JUNE 1993

Reference or Case Number

AREA MAP

CASE NO. #536



COUNCILMANIC DISTRICT NO. 2

Map No. U-26
LW 4-28-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

William Swift, attorney for Lewis and Amanda Delagrance, and LM&A request the vacation of a dedicated public street.

Location: Plantation Lane (off of Maplecrest)

Legal: See file

Land Area: Approximately 0.48 acres

Zoning: B-1-B

Surroundings:	North	B-1-B	Commercial
	South	B-1-B	Commercial
	East	B-1-A	Commercial
	West	B-1-B	Commercial

Reason for Request: Encroachment and future development

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

Petitioners state that they own the adjoining properties which have been developed as a strip commercial center. The street is not necessary for ingress or egress, and much of the right-of-way has been paved for a parking lot for the commercial center. Additionally, an existing building encroaches the non-paved area.

Staff does not feel that this right-of-way is needed for any access concerns, nor for future growth of the city. Approval of the vacation petition would not impact any other property owner, and would in fact allow the potential for future growth.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as needed, and for the following reasons:

- 1) The right-of-way is not needed for access to any property, or for future growth of the city.
- 2) Approval would not impact any other property owners.
- 3) Approval would allow for potential growth of the existing development.

RESOLUTION 80-166-10

WHEREAS, LEWIS DELAGRANGE and AMANDA DELAGRANGE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street situated in Fort Wayne, Allen County, to-wit:

A street vacation, said street dedication recorded at Deed Record, 652, pages 495-497, a fifty foot wide strip the centerline of which is as follows: Commencing at a point that is a distance of 328.7 feet South and 40 feet West of the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 13 East in Allen County, Indiana; thence west a distance of 300 feet to a point; thence north 60 degrees west a distance of 115 feet.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held MAY 26, 1993 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 26 DAY OF May 1993

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

C. James Owen

C. James Owen
Member, Board of Public Works

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on May 17, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street.

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, May 24, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF May 1993

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner, Secretary